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September 15, 2005

JACKSON  
NEW ORLEANS  
HOUSTON  
BATON ROUGE  
CLEVELAND  
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DALLAS  
ALBANY**VIA FACSIMILE AND U.S. MAIL**W. Wayne Drinkwater, Jr.  
Bradley Arant Rose & White LLP  
Suite 450, One Jackson Place  
188 East Capital Street  
Jackson, Mississippi 39215RE: *James D. Johnson, et al. vs. Haley Barbour, et al.*; In the United States  
District Court for the Southern District of Mississippi, Jackson Division,  
Civil Action No. 3:04cv251LN

Dear Mr. Drinkwater:

I write in response to your letter of September 7, 2005. In the interim, Magistrate Judge Nicols entered an Order staying this matter.

As a result of the extraordinary situation presented by Hurricane Katrina, the Governor's Office as well as DHS and all of their employees are totally and completely occupied with the recovery effort. Given the dire circumstances, they are presently unable to participate in or adequately assist us in the defense of this litigation. We are not in a position to waive any arguments or proceed without their participation.

I understand that your clients have concerns, but in order to protect our clients' interest, this lawsuit must be completely stayed for the foreseeable future so that our clients can focus on the overwhelming challenge presented by Hurricane Katrina. Because of the unusual situation presented, we are not able to predict when our clients will be able to proceed with the defense of this litigation and it may be necessary to request an extension of the stay.

This is a tragic and unfortunate situation. Given the extreme circumstances, I respectfully request your clients' understanding. In view of our position, please confirm whether a telephone conversation tomorrow afternoon is still necessary.

Thank you for your consideration.

Sincerely,

McGlinchey Stafford, PLLC

  
Rusty Fortenberry

EXHIBIT

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